IN THE HIGH COURT OF JUDICATURE,
AT BILASPUR (C.G.)

W.P. NO.3306 2005

Petitioner : Aaju Ram Sahu S/o Manglu aged about 56 years, R/o - village Fulwari, P.O. Newari, Tah. Simga, Distt. Raipur (C.G.)

V/s

Respondents :

1. State of C.G. Through Secretary Department of Water Resources DKS Bhawan Raipur (C.G.)

2. The Chief Engineer
Mahanadi Jalasaya Priyojna
Telibandha Shankar Nagar,
Raipur (C.G.)

3. The Sub Divisional Officer
Water Management
Sub Division No. 7
Baloda Bazar, Distt. Raipur
(C.G.)

4. The Executive Engineer
Water Management Division
No. 2, Baloda Bazar Distt.
Raipur (C.G.)

P.R. No. 3417/05
Presented by Shri A. Pathi
dated 25/7/05

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20.7.
A.G. & A.G. DIVISION

WRIT PETITION UNDER ARTICLE 226 /227 OF THE CONSTITUTION OF INDIA. FOR ISSUNCE OF WRITS IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION (S) OR ORDER (S)

(54)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 3306 of 2005

Petitioner : Aaju Ram Sahu

Versus

Respondents : State of Chhattisgarh & others

Mr. Ashok Patil, counsel for the petitioner.
Mr. Arun Sao, Government Advocate for the respondents/State.

ORDER

(Passed on 3rd day of January, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed as daily rated employee on compassionate basis, pursuant to death of his father late Manglu Ram, who was also daily rated employee, working as 'Mate'. Engagement of the petitioner as daily rated employee was discontinued by the order dated 31.12.2000 (Annexure P/1) on the ground that services of the daily rated employees were 'no longer required' in view of financial constraint and non-availability of the work for daily rated employees. Accordingly, services of the petitioner was discontinued with one month's salary in lieu of one month's notice by the impugned order dated 31.1.2000 (Annexure P/1).

2. The petitioner has filed this petition seeking a direction of this Court to reinstate the petitioner in service up to 60 years of age.

3. It is well settled principle of law that the daily wagers, temporary or ad hoc employees have no right to the post seeking regularization and grant of regular pay scale, if their appointments were de-hors the

constitutional scheme or the rules made under the proviso to Article 309 of the Constitution of India. The petitioner has no right to continue/regularize or reinstate on the post in view of catena of decisions laid down by the Supreme Court.

4. The writ petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu